

DISTRICT OF OREGON, ss: AFFIDAVIT OF SPENCER J. ANDERSON

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Spencer J. Anderson, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since July 2020. My current assignment is to the Portland Division's Eugene Resident Agency. My training and experience include five months of law enforcement and investigative training at the FBI Academy in Quantico, Virginia and law enforcement and investigative work with the Eugene Resident Agency since December 2020. I have experience investigating and handling cases involving violence and bias, including those that fall under 18 U.S.C. § 249. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. § 249, hate crimes involving actual or perceived sexual orientation, and I am authorized by law to request an arrest warrant.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Daniel Andrew McGee for a Hate Crime Act in violation of 18 U.S.C. § 249(a)(2). As set forth below, there is probable cause to believe, and I do believe, that Daniel Andrew McGee committed offenses against an individual because of that individual's actual or perceived sexual orientation in violation of 18 U.S.C. § 249(a)(2).

Applicable Law

3. Title 18, United States Code, Section 249(a)(2) provides, in pertinent part, that whoever willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any

person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person, shall be imprisoned not more than 10 years and fined in accordance with this title. If the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, the offender shall be imprisoned for any term of years or life. The conduct above must have a sufficient nexus to interstate commerce, which is satisfied if 1) the conduct occurs during the course of, or as the result of, the travel of the defendant or the victim across a State line or national border, or using a channel, facility, or instrumentality of interstate or foreign commerce; 2) the defendant, in connection with the conduct, uses a channel, facility, or instrumentality of interstate or foreign commerce; 3) the defendant, in connection with the conduct, employs a dangerous weapon or other weapon that has traveled in interstate or foreign commerce; or 4) the conduct interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct, or otherwise affects interstate or foreign commerce.

Statement of Probable Cause

4. To summarize, I have probable cause to believe that Daniel Andrew McGee (hereinafter “McGee”) assaulted another adult male (hereinafter “Victim 1”) on the basis of Victim 1’s sexual orientation. McGee and Victim 1 coordinated to meet on the evening of July 5, 2021 using the dating application Grindr, an application designed for, and used primarily by, gay men. When McGee and Victim 1 met on the evening of July 5 and entered Victim 1’s apartment, McGee assaulted Victim 1 over the course of several minutes, striking Victim 1 on the head with a wooden club repeatedly despite Victim 1’s pleas for McGee to stop. The investigation discovered that, prior to the attack, McGee used the internet to search for and view homophobic

and graphically violent anti-gay material. McGee also planned for the attack, including purchasing the weapon and other materials online from Amazon and searching the internet for suggestions on how to get away with murder.

Discovery of Crime Scene

5. On July 5, 2021, at approximately 11:30 p.m., Eugene Police Department (EPD) officers responded to multiple calls for assistance at an apartment in Eugene, Oregon. Callers reported that an individual seemed to be screaming for help during a physical altercation. Multiple EPD officers arrived on scene where they followed screams from the victim's apartment. Upon entering the apartment, EPD officers discovered Victim 1 and the suspected assailant, identified as Daniel Andrew McGee.

6. Victim 1 sustained life-threatening injuries during the assault and was promptly transported to PeaceHealth Riverbend Hospital in Eugene, Oregon. Victim 1 suffered serious head wounds, including multiple lacerations to the sides and back of his head. As a result of the attack, a large section of Victim 1's scalp, covering an area of roughly four inches by five inches on the back of his head, was missing.

7. McGee was covered in Victim 1's blood but did not appear to have suffered any injuries. EPD officers observed a bloody wooden object laying inside the front door of Victim 1's apartment. McGee identified the object as a tire thumper, a tool commonly used by truck drivers to check for sufficient tire pressure. McGee told officers he found the tire thumper in a parking lot. McGee informed EPD officers that he was not injured, aside from a hurt finger, and that the blood covering him was the blood of Victim 1.

8. McGee informed EPD that he had met Victim 1 on the dating application Grindr, and that he went to Victim 1's apartment because he knew that demons would be there. McGee informed EPD that he had nightmares telling him that there were demons and that he needed to kill "him," which McGee confirmed was Victim 1. He intended to "slay" Victim 1 and "get rid of him." McGee said he hit Victim 1 with a tire thumper and his fists, and confirmed that Victim 1 had not attacked him. When asked whether McGee targeted Victim 1 because Victim 1 was gay, McGee replied, "No, he's a demon!"

9. McGee consented to a search of his cell phone to view the messages exchanged between him and Victim 1. Officers viewed the images and confirmed that McGee's phone was used to communicate with the victim via Snapchat and Grindr, including a message in which McGee shared an image he claimed to be a photo of himself. In the photo, McGee appears to be wearing a black wig. A black wig and the wooden club were found at the scene, both of which Victim 1 confirmed were not his.

10. Additional evidence discovered by EPD on July 7, 2021 indicated that the attack was premeditated. When Victim 1 returned to his apartment after being released from the hospital, he noticed a bag that did not belong to him on the floor of his bathroom. Victim 1 informed EPD of the bag. EPD went to Victim 1's apartment to retrieve the bag and lodge it in evidence. Upon inventory of the bag, EPD discovered several items, including: a portable vacuum, an 8" Bombay kitchen knife, a folding knife, a large roll of trash bags, a bottle of Comet cleaner, a brown extension cord, a phone charger, a piece of unused paper that appeared to be torn out of a notebook, and two pencils.

Social Media Applications

11. An EPD detective met with Victim 1 in the days following the assault. The detective asked Victim 1 to recount what had taken place the evening of the assault. Victim 1 informed that he had not previously met McGee before the attack, but that on July 5 they had connected on Grindr, which Victim 1 described as a male-to-male dating site.

12. Grindr gives individuals the ability to share images through posting on a public blog or by submission through the integrated private message function. Additionally, Grindr allows users to create a “profile” where they can provide a photo, display name, relationship status, “Looking for,” “About Me,” and “Favorites.”

13. Victim 1 consented to a search of his device to view the messages between he and McGee. The detective was able to access the Grindr messages between Victim 1 and McGee from the night of the assault. Victim 1 indicated that McGee used the screen name “str8 curious.” After a brief exchange of messages on Grindr and a tentative plan to meet up, McGee requested that he and Victim 1 communicate via Snapchat instead. Using Snapchat, McGee and Victim 1 discussed where they would meet up. The Snapchat messages also included statements from McGee that he “just turned 18 a few months ago,” “no kising [sic] just yet ok,” and confirmation that they would be alone (“We’re gonna be all alone right? No roommates?”).

Interviews with McGee’s Parents

14. The EPD detective interviewed McGee’s parents on or around July 6, 2021. The detective first spoke with McGee’s father. The father informed the detective that his son has autism, that his son lives at home with them, and that he was unaware his son had left the house on the evening of July 5. He also informed that his son had been on and off certain medications, including Zoloft. When the father was told about his son’s concern for demons, he recalled a

dream that his son had recently involving demons. The father became concerned for his son's mental health after hearing of the assault and his son's invocation of demons. The father told the detective that he had never heard his son voice any homophobic sentiments, nor did the assault seem to fit into any pattern of behavior.

15. The detective also spoke with McGee's mother. His mother also confirmed that though high functioning, her son was autistic. When provided some information about the assault, his mother stated that she did not believe her son was gay. She informed detectives that her son had voiced the opinion that being gay was "gross" for years. She also remembered a point in time when her son told her that he wanted to move to Russia because they do not allow gay people there.

16. His mother was surprised to hear of the assault, believing her son to be the type of person to walk away from an altercation. She later said that her son would definitely defend himself against a gay advance. When the detective told her that McGee's explanation for what happened was that he had to kill a demon, she responded, "that would fall in line with his view on homosexuality, but not of people."¹

Electronic Evidence

17. On July 22, 2021, I collected McGee's cell phone from EPD's Evidence Control Unit pursuant to a federal search warrant. EPD had seized McGee's cell phone pursuant to arrest after discovering the device during a search of his person following the assault.

¹ In her Federal Grand Jury testimony, McGee's mother minimized her son's previous anti-gay statements and sentiments.

18. I also obtained a search warrant for McGee's home. Two dream journals, a wig box, a camera, and a computer from McGee's bedroom were seized during the search and lodged as evidence. The dream journals referenced a past Grindr encounter. The wig box was consistent with the wig found at the scene of the crime. The bedroom computer was sent to Northwest RCFL for imaging.

19. Northwest RCFL provided images of both McGee's cell phone and his bedroom computer. Review of both devices revealed extensive search and web inquiry into homosexuality and gay life. Review also revealed extensive search and web activity related to the execution of murders, how to get away with murders, investigative techniques that lead to solving murders, and how to dispose of dead bodies. McGee searched for and accessed numerous articles related to crimes committed by individuals using Grindr to target their victims. McGee also frequented a website called Kaotic.com, known for its "graphic videos" and "extreme content," where he watched and downloaded videos of people, including specifically gay people, being harmed, beaten, or otherwise assaulted.

20. From September 2020 through July 5, 2021, the night of the assault, McGee searched the following keywords and phrases using search engines such as Google, DuckDuckGo, Reddit, Bing, and YouTube²:

- internalized homophobia
- fag in denial
- shock therapy homosexuality
- causes of homosexuality
- grindr stalker
- grindr distance tracking

² This list does not include all sites McGee searched for content related to potential anti-gay bias. In addition, the investigation found other computer and internet activity that is not evidence of bias.

- gay stalker
- what do christians think of gays
- how i turned gay
- american family association
- trolling grindr gays
- christians and homosexuality
- homosexuality is a bad lifestyle
- are homophobic people gay
- homosexuality and china
- pray the gay away
- gays reproduce through sexual abuse
- gay men have less self esteem
- shock aversion therapy homosexuality
- how to overcome homosexuality
- can mommy issues make you gay
- why are most pedophiles gay
- why homosexuality shouldn't be allowed in the military
- homosexuality destroys nations
- gay pedophiles
- Westboro Baptist Church
- grindr robbery

21. From October 2020 through the night of the assault, McGee accessed the following pages on Conservapedia, an English-language wiki-based online encyclopedia project written from a self-described American conservative and fundamentalist Christian point of view:

- Homophobia
- Causes of homosexuality
- Arguments Against Homosexuality
- Homosexuality and Murders
- Gay violence
- Overcoming homosexuality
- Serial killer
- Gay bashing
- Hate crime
- Bryan Fischer
- American Family Association
- Homosexual Agenda
- Westboro Baptist Church

22. From March 2020 through the night of the assault, McGee searched the following keywords and phrases using various search engines as previously described:

- how long does it take for a human body to decompose in the summer
- power-control killer
- how does blood decompose
- how to clean up blood
- blood cleaning tools
- can a body decompose underwater
- decomposers that eat bone
- stealing a dead person's car
- how are stolen phones tracked
- how are stolen credit cards tracked
- dead body in freezer
- how easy is it to get away with a crime
- how many murders are solved
- do detectives go through social media
- grindr murders (three times)
- tinder murders
- how do murderers feel after killing
- how do murderers not get caught
- oxygen bleach
- grindr robbery
- how are murderers caught
- how do murderers get away with murder
- do police monitor dating sites
- what do tire thumpers do
- dating site robbery
- how do detectives solve murders
- committing crimes with gloves
- hit in the head with tire thumper
- can you get away with murder
- how do detectives solve murders
- dating site monitoring
- using a wig to commit crimes
- emptying blood in a bathtub
- draining blood from body
- how to drain blood from an animal
- snapchat

McGee accessed numerous articles resulting from these searches.

23. During the month of June 2021, McGee accessed the following news articles, many of which resulted from his “grindr murders” web searches:

- *Out* article on phone – “Police Say Gay Men Targeted for Robbery Using Grindr”;
- *The Acadiana Advocate* article on phone – “Lafayette man used Grindr as ‘hunting ground,’ ordered killing tools from Amazon: FBI documents”;
- *USA Today* article on phone – “Grindr date killed: Mark Latunski had history of mental illness”;
- *Rolling Stone* article on phone – “Grindr Murder: Could Kevin Bacon’s Death Have Been Prevented?”;
- *NBC News* article on phone – “Michigan man charged in Grindr slaying”;
- *New York Daily News* article on phone – “Bronx man hacks Grindr date to death with machete: cops”;
- *Advocate* article on phone – “Police Arrest Man Accused of Killing Victim He Met on Grindr”;
- *Putnam Daily News* article on phone – “Man Accused of Hitting 23-Year-Old In Head With Tire Thumper, Police Say.”

24. During the month of June 2021, McGee regularly accessed Kaotic.com, a website known for its graphic videos and extreme content. McGee searched keywords on Kaotic.com such as screams, tortured, molester, screamer, beating, tranny, prison, gay, scream, torture, torture scream, thief, and beat. McGee accessed almost every Kaotic video produced by the keyword search “gay.” The following are some of the titles of videos McGee accessed after searching “gay”:

- Gays Punished In The Middle East
- Gay couple beaten in indonesia
- Homophobe Attacks Gay in California
- Gay Instagram Model Gets Beaten Down on Live
- Rednecks Assault Gay Couple
- Gay beaten by police in China
- Gay dies after brutal punch
- Hooligans beat gay pride participants Part 1
- Cruelly Beaten for Being Gay
- Gay couple dies in accident

- Gay Awaits For Help After Being Stabbed
- Gay stoned to death in Jamaica
- Hanging of gays in Iran
- Two Gay Muslim Men Caught Having Sex Get Beaten By Other Muslims
- Gay Rights Activist Is Sucker Punched to Unconsciousness
- Homophobic Russian Throws A Gay Guy Into The River

McGee also discovered and frequently accessed a video titled “Glass Mug Beatdown in China.”

This video appeared to be downloaded to McGee’s phone.

25. Also discovered on McGee’s digital devices were Amazon emails and web activity that revealed orders for a tire thumper and wig. The subpoena response from Amazon confirmed that McGee ordered a tire thumper and wig on or around June 16, 2021, less than three weeks before the assault. The items were shipped to McGee at his home in Springfield, Oregon from outside the State of Oregon. The tire thumper was manufactured in China. McGee wore the wig and used the tire thumper as a weapon on the night of the assault.

26. McGee accessed the news articles about criminals using Grindr to target victims both shortly before and shortly after ordering the tire thumper and wig. McGee accessed *The Acadiana Advocate* article titled “Lafayette man used Grindr as ‘hunting ground,’ ordered killing tools from Amazon: FBI documents” less than 24 hours after ordering the tire thumper and wig on Amazon.

Conclusion

27. Based on the foregoing, I have probable cause to believe, and I do believe, that Daniel Andrew McGee committed a Hate Crime in violation of Title 18, United States Code, Section 249. I therefore request that the Court issue a criminal complaint and arrest warrant for Daniel Andrew McGee.

28. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Gavin Bruce, and AUSA Gavin Bruce advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

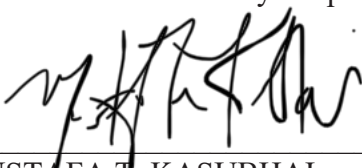
Request for Sealing

29. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because premature disclosure of the affidavit, the criminal complaint, and the arrest warrant may adversely affect the integrity of the investigation, and any disclosure of the information at this time may endanger the life or physical safety of an individual, cause flight from prosecution, cause intimidation of potential witnesses, or otherwise seriously jeopardize the investigation.

/s/ Spencer Anderson per rule 4.1

SPENCER J. ANDERSON
Special Agent, FBI

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 4:05pm
a.m/p.m. on November 11, 2021



MUSTAFA T. KASUBHAI
United States Magistrate Judge